

## REMARKS

### Status of the Application

Claims 1-11 and 13-43 were pending. The Office Action rejected claims 1-11 and 13-43. New claims 44 and 45 are added, and thus claims 1-11 and 13-45 are now pending.

### Interview Summary Record

Applicants thank the Examiner for the courtesy of the in-person interview conducted on March 5, 2009 between Ex. DSouza and the undersigned. No exhibit was shown and no demonstration was conducted. Claims 1 and 15 and U.S. Patent No. 6,144,860 to Komatsu (hereinafter "Komatsu") were discussed. With respect to claim 1, Applicants argued that Komatsu does not disclose or suggest "determining a common channel interference component; and determining a difference between said common channel interference component and said second data." Rather, Komatsu merely describes calculating a signal level of transmitted symbols, a signal level of an interference signal, and comparing the two signal levels. The Examiner stated that he would review Komatsu further.

### Amendments to the Specification

Paragraph 0022 has been amended to correct a typographical error in Equation 3.

### Amendments to the Drawings

Figs. 2 and 3 have been amended to correct typographical errors.

### New Claims

Claims 44 and 45 are added. Support for new claims 44 and 45 may be found in Fig. 3 and par. 0024, for example.

### Rejections under 35 U.S.C. §103

Claims 1-11 and 13-43 were rejected under 35 U.S.C. §103. Applicants respectfully traverse the rejections at least because the Office Action failed to establish that the

alleged combinations of references teaches or suggests all the elements of each of claims 1-11 and 13-43. *See* MPEP §2143.03.

### Claim 1

With respect to claim 1, for instance, it was rejected under 35 U.S.C. §103 as allegedly being unpatentable over U.S. Patent Application Pub. No. 2004/0052236 (hereinafter “Hwang”) in view of U.S. Patent Application Pub. No. 2003/0104808 (hereinafter “Foschini”), and in further view of U.S. Patent No. 6,144,860 to Komatsu (hereinafter “Komatsu”).

Claim 1 is generally directed to a method for generating a transmit signal for a specific user device. Claim 1 recites, *inter alia*, “generating a transmit signal for said specific user device using said first data [i.e., data to be delivered to multiple user devices via a common channel], said second data [i.e., data to be delivered to said specific user device via a dedicated channel], and said channel information, said transmit signal to be transmitted from said transmitter to said specific user device via said dedicated channel. Additionally, claim 1 was previously amended to recite: “wherein generating said transmit signal includes: determining a common channel interference component; and determining a difference between said common channel interference component and said second data [i.e., data to be delivered to a specific user device via a dedicated channel].” The Office Action concedes that “wherein generating said transmit signal includes: determining a common channel interference component; and determining a difference between said common channel interference component and said second data” is not disclosed by Hwang or Foschini, but the Office Action alleges that these elements are disclosed by Komatsu. Applicants respectfully disagree.

Komatsu describes a transmission power control system for adjusting the transmit power of a transmitter. Komatsu does not disclose or suggest determining a difference between an interference component and data as recited in claim 1. Rather, Komatsu describes calculating a wave signal level corresponding to transmitted pilot symbols, calculating an interference signal level, and comparing the two signal levels. *See Komatsu* at Fig. 1 and col. 5, lines 38-67. Komatsu does not disclose or suggest comparing the pilot symbols themselves to an interference

component, and thus Komatsu does not disclose or suggest “wherein generating said transmit signal includes: determining a common channel interference component; and determining a difference between said common channel interference component and said second data [i.e., data to be delivered to a specific user device via a dedicated channel].”

At least for these reasons, the Office Action failed to establish a prima facie case of obviousness of claim 1.

### Claim 15

With respect to claim 15, it was rejected under 35 U.S.C. §103 as allegedly being unpatentable over U.S. Patent Application Pub. No. 2004/0028121 (hereinafter “Fitton”) in view of Foschini, and in further view of Komatsu.

Claim 15 is generally directed to an apparatus for generating a transmit signal to be transmitted to a remote user device and recites, *inter alia*, “a common channel interference unit to determine a common channel interference component associated with a remote user device; and a transmit signal generator to generate a transmit signal to be transmitted to said remote user device via a dedicated channel, said transmit signal generator using said common channel interference component and dedicated data to generate said transmit signal.” Additionally, claim 15 was previously amended to recite “wherein said transmit signal generator includes a subtractor to generate a difference between said common channel interference component and said dedicated data.” The Office Action concedes that these latter elements are not disclosed by Fitton or Foschini, but the Office Action alleges that these elements are disclosed by Komatsu. Applicants respectfully disagree.

Komatsu does not disclose or suggest a subtractor to generate a difference between a common channel interference component and dedicated data to be delivered to a remote device as recited in claim 15. Rather, Komatsu describes calculating a wave signal level corresponding to transmitted pilot symbols, calculating an interference signal level, and comparing the two signal levels. See *Komatsu* at Fig. 1 and col. 5, lines 38-67. Komatsu does

not disclose or suggest subtracting an interference component from the pilot symbols themselves, and thus Komatsu does not disclose or suggest "wherein said transmit signal generator includes a subtractor to generate a difference between said common channel interference component and said dedicated data."

At least for these reasons, the Office Action failed to establish a prima facie case of obviousness of claim 15.

Other Claims

Claims 2-11, 13 and 14 depend from claim 1. At least for the same reasons as discussed above with respect to claim 1, the Office Action failed to establish a prima facie case of obviousness of claims 2-11, 13 and 14.

Claims 16-18 depend from claim 15. At least for the same reasons as discussed above with respect to claim 15, the Office Action failed to establish a prima facie case of obviousness of claims 2-11, 13 and 14.

At least for reasons similar to those discussed above with respect to claim 15, the Office Action failed to establish a prima facie case of obviousness of claims 19-21 and 35-40.

At least for reasons similar to those discussed above with respect to claim 1, the Office Action failed to establish a prima facie case of obviousness of claims 22-34 and 41-43.

Conclusion

At least in view of the above, Applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

By 

Gregory E. Stanton

Registration No.: 45,127

MARSHALL, GERSTEIN & BORUN LLP

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorney for Applicant

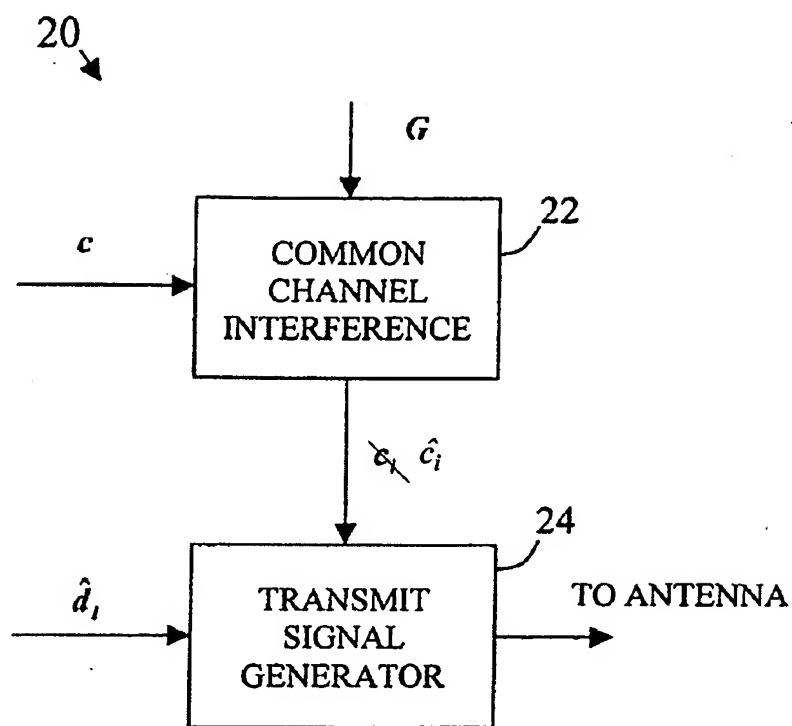


Fig. 2

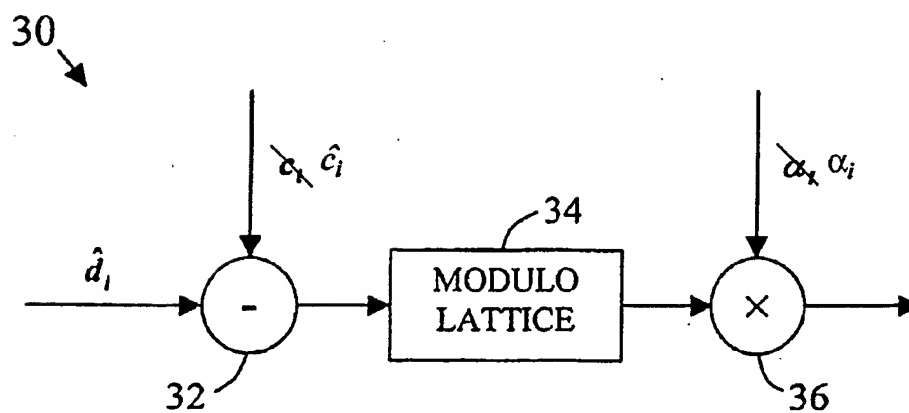


Fig. 3